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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LETRINH HOANG, D.O., PHYSICIANS FOR  
INFORMED CONSENT, a not-for-profit organization,  
and CHILDREN'S HEALTH DEFENSE,  
CALIFORNIA CHAPTER, a California Nonprofit  
Corporation

Plaintiffs,

v.

ROB BONTA, in his official capacity as Attorney  
General of California and ERIKA CALDERON, in her  
official capacity as Executive Officer of the  
Osteopathic Medical Board of California ("OMBC")

Defendants.

**Case No: 2:22-cv-02147-WBS-AC**

**JOINT STATUS REPORT**

Action Commenced: December 1, 2022

1 Pursuant to the Court's Order dated December 8, 2022, and Local Rule 240, the parties  
2 submit this joint status report:

3  
4 The salient procedural points in this case are as follows:

- 5 1. By order of this Court dated January 25, 2023, a preliminary injunction was issued  
6 barring enforcement of Business and Professional Code Section 2270 against the  
7 individual Plaintiff and members of the organizational Plaintiffs, together with the five  
8 individually named Plaintiffs in the related case *Hoeg et al. v. Newsom, et al.*, 2:22-cv-  
9 1980.  
10
- 11 2. The decision by Judge Fred W. Slaughter denying similar relief in *McDonald et al. v.*  
12 *Lawson et. al.*, is currently on appeal. Appeal No. 22-56220 (consolidated with *Couris*  
13 *et al v. Lawson et. al.* Appeal No. 23-55069)  
14
- 15 3. At defense counsel's request, Plaintiffs agreed to extend the Defendants' time to answer  
16 or move against the complaint until after the Ninth Circuit renders its decision in the  
17 McDonald appeal per the so ordered stipulation in this case, (Dkt. Entry. 34).  
18
- 19 4. Both this and the *Hoeg* case are set for a status conference on April 10, 2023 at 1:30 PM  
20
- 21 5. There are no additional parties that need or be joined or additional claims that Plaintiffs  
22 intend to assert.  
23
- 24 6. Discovery has not yet commenced.
- 25 7. This is a facial challenge to Business and Professional Code Section 2270 on First and  
26 Fifth/Fourteenth Amendment grounds. It is possible that one or both claims can be  
27 completely adjudicated based on a stipulated record or judicial notice and limited  
28 declarations. Therefore, Plaintiffs propose that the case be allowed to proceed to

summary judgment, motions to be filed by May 1, 2023.

8. Defendants agree that this case does not likely require discovery to resolve the underlying statute's constitutionality. Since the determination of the Ninth Circuit in the *Couris* and *McDonald* cases challenging the same statute on the same grounds will have significant impact on litigation strategies and the outcome of this case, Defendants' position is that this Court should wait until the pending Ninth Circuit cases are resolved and Defendants have responded to the complaint for any further proceedings in this matter. Because Plaintiffs have obtained a preliminary injunction, they will suffer no harm in waiting for the Ninth Circuit's resolution before further proceedings.

9. That is the issue to be decided by the Court at the status conference in this case and likely in the *Hoeg* related case (based on the February 14, 2023 initial joint status report filed in that case (Dkt. Entry 37)).

10. As the Plaintiff organizations are non-profit entities, there is no potential financial interest or other potential conflicts with the Court.

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Dated: March 21, 2023

Respectfully submitted,



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